

HARYANA PUBLIC WORKS DEPARTMENT

BUILDINGS AND ROADS BRANCH

The 3rd September, 1969

No. 28-BA/I/188-R.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at the public expense, for a public purpose, namely, Construction of P. W. D. Rest House at Loharu in Hissar District, it is hereby declared that the land described in the specification, below is required for acquisition of the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provision of section 7 of the said act, the Collector Haryana, P.W.D., B&R Branch, Ambala Cantt. or any other special Collector authorized by the Colonisation Officer-cum-Special Land Acquisition Collector, Haryana, is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D. B&R Branch, Ambala Cantt. and the Executive Engineer, Bhiwani Construction Division, Bhiwani.

SPECIFICATION

Name of District	Name of Tehsil	Name of village	Area in acres	REMARKS
Hissar	Loharu	Loharu	3.43	As demarcated at site
Do	Do	Akbarpur	0.3	Ditto
Total 3.96				

M. G. UPPAL,

Superintending Engineer,
Hissar Circle, P.W.D., B.&R. Branch,
Hissar.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 29th August, 1969

No. 5401-ASO(E)-Lab-69 21591.—On termination of his services Shri S. S. Pali, relinquished the charge of the office of District Employment Officer, Narnaul, with effect from 1st August, 1969 (afternoon).

The 1st September, 1969

No. 4824-II Lab-69 21392.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948), the Governor of Haryana is pleased to exempt every factory situated in the following areas from the operation of the provision of Chapter IV (except sections 44 and 45) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81) of the said Act, upto the 20th February, 1970.

Serial No.	Village	Had Bast No.	District
1	Rajipur Jhajra	108	Ambala
2	Surajpur	109	

H. S. ACHREJA, Secy.

LABOUR DEPARTMENT

The 1st September, 1969

No. 5736-A.S.O(E)-Lab-69 21350.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Gurgaon District Ex-Servicemen Transport Co-operative Society, Gurgaon.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 82 of 1968

between

SHRI HIRA LAL, WORKMAN AND THE MANAGEMENT OF M.S. GURGAON DISTRICT EX-SERVICEMEN TRANSPORT CO-OPERATIVE SOCIETY LTD., GURGAON

Present: Shri C.B.Kaushik, for the workman.

Shri R.C. Sharma, for the management.

AWARD

Shri Hira Lal was employed as a Checker in M.S. Gurgaon District Ex-servicemen Transport Co-operative Society Ltd., Gurgaon. It appears that his relations with the management were not very happy. He was dismissed from service but was ordered to be reinstated with continuity of service and full back wages under the Award of Shri Ishwar Dass Pawar, Presiding Officer Industrial Tribunal, Punjab which was published in the *Haryana Government Gazette*, dated 30th January, 1968. In compliance with the directions of the award, Shri Hira Lal was posted as a booking clerk at the Sohna Bus Stand of the respondent society. He was then ordered to be transferred to Rewari. The case of the management is that the workman did not obey these orders and absented himself from duty with effect from 1st April, 1968 and so his name was struck off from the rolls *vide* resolution of the society dated 13th July, 1968, on the assumption that he had abandoned his service. The case of the workman on the other hand is that his wife fell ill and he asked for leave from 28th March, 1968 to 7th April, 1968 and then asked for extension of leave upto 14th April, 1968, because of the continued illness of his wife. The workman affirmed that he reported for duty on 15th April, 1968, but no proper duty was given to him and ultimately his services were terminated because of the ill will which the management harboured against him. Accordingly, he raised a dispute under section 2-A of the Industrial Disputes Act, 1947, questioning the validity of the termination of his service. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following matter for adjudication, *vide* Gazette Notification No. ID 24222, dated 19th September, 1968:—

Whether the termination of services of Shri Hira Lal was justified and in order? If not, to what relief is he entitled?

On receipt of the reference-usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. A preliminary objection questioning the validity of the constitution of this Court and the validity of the appointment of the present Presiding Officer was raised. It was pleaded that Section 2-A of the Industrial Disputes Act was *ultra vires* of the Constitution. These two preliminary objections were heard and decided against the management and the order of this Court, dated 30th January, 1969, which is Annexure A to this award. The pleadings of the parties gave rise to the following further issues:—

- (1) Whether the reference is pre-mature?
- (2) Whether the reference on the basis of the Demand Notice is incompetent for the reasons mentioned in para No. 2 of the preliminary objection?
- (3) Whether the Government has no power to make present reference?
- (4) Whether this Court has no jurisdiction to adjudicate upon the reference on the ground that it has not been specified or empowered to entertain an individual dispute raised under section 2-A of the Industrial Disputes Act, 1947?
- (5) Whether the Government has converted an individual dispute into an industrial dispute and the reference is invalid on this ground?
- (6) Whether the reference is vague and does not indicate at which date and in what manner the services have been terminated?
- (7) Whether the present dispute has not been validly raised?
- (8) Whether this Court has no jurisdiction because the service of the claimant has been simply terminated and the termination simplicitor is not a subject-matter of the II schedule?
- (9) Whether the claimant does not fall within the definition of the workman?
- (10) Whether the present reference is barred under section 55 of the Punjab Cooperative Societies Act?
- (11) Whether the demand notice is invalid because it has been served by the union which is not registered and if so, what is its effect?
- (12) Whether the claimant absenting himself from duty with effect from 28th March, 1968 and he continued to remain so up to the month of July, 1968 and on account of his absence from 1st April, 1968, without leave the termination of his services, *vide* resolution, dated 13th July, 1968, was justified?

The parties have produced evidence in support of their respective contentions. I have heard the representatives of the parties and gone through the record. My findings are as under:—

Issue No. 1.—The reference is said to be pre-mature because according to the management the service of the claimant Shri Hira Lal was terminated,—*v d'* resolution of the respondent society, dated 13th July, 1968, while the demand notice on the basis of which the present reference was made is dated 28th May, 1968. The case of the workman on the other hand is that the society did not give him any proper duty after transferring him to Rewari and under verbal orders he was simply asked to ensure that the buses leave at the proper time but the management did not give him his salary nor any proper work was provided to him and therefore this amounted to a virtual termination of his service. If what the workman says is correct then it cannot be said that the reference is pre-mature. If the version of the management that the workman was absent from duty from 1st April, 1968 and himself abandoned the service is found to be correct then the case of the workman would naturally fail on merits. With these remarks I find this issue in favour of the workman.

Issues Nos. 2, 4, 6 and 7.—The notice of demand has been served by Shri C.B. Kaushik, General Secretary, Gurgaon Zila Transport Karamchari Union, Gurgaon, on behalf of the workman. Under section 36 of the Industrial Disputes Act a workman is entitled to be represented by an officer of a registered trade union in any proceeding under the Act. However, Section 36 is not exhaustive. No authority has been cited by the representative of the management that the notice of demand under Section 2-A of the Industrial Disputes Act must be signed by the workman himself. The other objection is that the demand notice is vague because it does not indicate whether the services of the workman were terminated by way of discharge or dismissal and if so from which date. There is no force in this objection also because it is within the special knowledge of the management as and how they have dealt with the claimant. The management could have if they so desired seek any clarification during the conciliation proceedings or ask for any clarification in this Court also. Adjudication of the dispute referred to this Court cannot be refused on the ground that notice of demand is vague. I decide these issues in favour of the workman.

Issue No. 3.—It has not been explained how the Government have no power to make the present reference. I find this issue also in favour of the workman.

Issue No. 8.—Under item No. 3 of second schedule this Court is empowered to adjudicate upon references relating to discharge or dismissal of workmen including reinstatement or grant of relief to workman wrongly dismissed. If the allegations of the workman are found to be correct then it would mean that he was wrongfully dismissed from service. So this Court has jurisdiction to entertain the present reference. I find this issue in favour of the workman.

Issue No. 5.—It is not correct to say that the Government has converted an individual dispute between the management and the workman Shri Hira Lal into a collective dispute. The Industrial Disputes Act does not contemplate any individual or collective disputes between the employer and his workman and only industrial disputes are contemplated. Section 2-A of the Industrial Disputes Act lay down that an individual dispute between the management and one of their workman if it relates to the termination of his services, even if no other workmen or union of workmen espouse his cause is deemed to be an industrial dispute. I, therefore, find this issue also in favour of the workman.

Issue No. 9.—The workman even if not employed would fall within the definition of the workman for the purpose of any proceedings under the Industrial Disputes Act if his dismissal, discharge or retrenchment from service has led to industrial dispute. Since the claimant is disputing the validity of the termination of his service, he must be considered to be a workman for the purpose of this reference. I find this issue in favour of the workman.

Issue No. 10.—It is submitted that under Section 55 of the Punjab Cooperative Societies Act, 1961, this Court is barred from adjudicating upon the present dispute. This submission finds support from an authority of the Calcutta High Court reported in (1968) 34FJR 426 Workmen Cooperative Industrial Home Limited *v.versus* I-Industrial Tribunal, West Bengal and Madya Pradesh High Court in Sagar Motor Transport Karamchari Union reported in 1969—Labour and Industrial cases—276. A contrary view has, however, been taken in 1966-I-LLJ-90 which is an authority of the Full Bench of Bombay High Court. In this case it has been held that the dispute contemplated in Section 91 of the Maharashtra Cooperative Societies Act (the wording of which is similar to the wording of Section 55 of the Punjab Co-operative Societies Act) were only those disputes which can be entertained by a Civil Court and are based upon some contract between the parties. It was held that an Industrial Arbitrator is unlike a Civil Court not fettered by an agreement between the parties. He is required to decide the matter not according to the agreement or contract between the parties but according to what having regard to all circumstances he considers to be just and fair. In order to ensure that the workers get a proper wages, that they are not victimised or unfairly treated and that their terms of employment generally are such as will secure industrial peace, an industrial arbitrator has the power and the authority to radically modify or alter the agreed terms of employment and to impose new obligations, in a sense he may make a new contract for the parties. The same view has been taken in 1959-Punjab-34. Following the Punjab Authority by which I am bound that the Full Bench Authority of the Bombay High Court, I hold that the adjudication of the present dispute by this Court is not barred by Section 55 of the Punjab Co-operative Societies Act, 1961.

Issue No. 11.—It is true that the Gurgaon Zila Transport Karamchari Union is not registered but then section 36 of the Industrial Disputes Act is not exhaustive. A letter of authority was duly given to Shri C.B. Kaushik, General Secretary of the Gurgaon Zila Transport Karamchari Union and Shri Kaushik served the notice of demand on behalf of the workman. I, therefore, find this issue in favour of the workman.

Issue No. 12.—The case of the workman, however, fails on merits because it is not satisfactorily proved that he did report for duty at Rewari after being transferred from Sohna as directed by the management. It is the case of the workman himself that he applied for leave from 28th March, 1968 to 7th April, 1968 and asked for extension of his leave on account of the illness of his wife. The management sanctioned his leave only till 31st March, 1968 and thereafter treated him as absent without permission. The claimant did not submit any medical certificate in proof of the illness of his wife. He did not raise any protest as to why his leave had not been sanctioned. In this Court also the workman has not led any evidence to prove that his wife was actually ill and therefore

the management was not justified in refusing him leave. Further there is no proof whatsoever that the workman actually reported for duty on 15th April, 1968, as stated by him and what work he was actually doing at Rewari. The claimant was working as a booking clerk at Sohna Bus Stand and he was transferred in the same capacity to Rewari. The workman says that on account of the strained relations with the management no specific duty was given to him at Rewari and Shri Parmal simply gave him verbal directions that he should see that the buses of the respondent society leave the Bus Stand in time. The claimant admits that a suspicion did arise in his mind as to why the work of the booking clerk had not been given to him and so he came to the Head Office at Gurgaon but he was informed that whatever verbal orders had been given to him by Shri Parmal were correct and so he continued performing the duty given to him and did ensure that the buses left the bus stand in time. The claimant, however, did not submit any report in writing that he had reported for duty after availing of his leave from 13th March, 1968 to 14th April, 1968 and that he was not performing the duty of the booking clerk because of the verbal orders given by Shri Parmal. The workman also does not say upto what time he continued doing this work. He simply makes a vague statement that when the management did not pay him his back wages or mark his attendance he gave a notice of demand, dated 28th May, 1968. This means that the claimant took almost a month and a half to realise that there is something fishy because the management were not marking his attendance. Even then the workman in the notice given by him did not recite any of these facts. The notice of demand simply recites that he should be reinstated with continuity of service and full back wages. This means that when the demand notice was given the services had already been terminated but according to the version of the workman as given in Court he continued working and he continued performing the duty verbally entrusted to him by Shri Parmal. The claimant does not say upto what date he continued performing the duty and from which date he considered that his services stood terminated.

It would not be out of place to point out that the workman never gave the version which he has given in Court in any of his previous communication. On the contrary in his application, dated 27th March, 1968, Ex.M'2 asking for leave from 28th March, 1968 to 7th April, 1968, the workman simply gave a long list of his grievances and alleged that it was not possible for him to continue working unless his wages were paid to him especially when his wife was ill. The workman explains that when he enquired why he was not being given any job he was informed by the management that no work could be given to him because he had served a demand notice. In my opinion the version given by the claimant does not appear to be correct and it is not satisfactorily established that the claimant actually reported for duty at Rewari or that he was really in need of any leave on account of the illness of his wife or that he did also any work at Rewari. It appears that the claimant was not happy by reason of his transfer to Rewari and since he was not being paid his wages he did not report for duty at all. The notice of demand given by the workman is based upon wrong facts. His services had not been terminated by the management and therefore he is not entitled to any relief. I give my award accordingly.

P.N. THUKRAL,

Dated 21st July, 1969

Presiding Officer,
Labour Court, Faridabad.

No. TP/68/4, dated Faridabad, the 21st August, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,

Dated 21st July, 1969

Presiding Officer,
Labour Court, Faridabad

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 82 of 1968

between

SHRI HIRA LAL, WORKMAN AND THE MANAGEMENT OF M/S GURGAON DISTRICT EX-SERVICEMEN TRANSPORT COOPERATIVE SOCIETY LTD., GURGAON

Present.—Shri C.B. Kaushik for the workmen.

Shri R.C. Sharma, for the management.

ORDER

The Governor of Haryana in exercise of the powers conferred by clause (C) of sub section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following disputes to this Court for adjudication,—v.d. Government Gazette Notification No. ID/24221, dated 19th September, 1968.

Whether the termination of service of Shri Hira Lal was justified and in order? If not, to what relief is he entitled?

A number of preliminary objections have been raised on behalf of the management. It is pleaded that the present matter is purely an individual dispute and it has been referred to this Court under section 2-A of the Industrial Disputes Act, 1947. It is submitted that section 2-A is constitutionally invalid and *ultra vires* of the powers of the Parliament. It is further submitted that the reference is invalid and no adjudication can take place on the basis of the present reference as no Labour Court has been properly constituted for the State of Haryana till 20th June, 1968 and secondly there is no valid appointment of the Presiding Officer of the Labour

Court because it has not been notified in the official Gazette before the date on which the reference was made. The following two issues have been framed to dispose of these preliminary objections :—

- (1) Whether the objection that section 2A of the Industrial Disputes Act is *ultra vires* can be raised in this Court?
- (2) Whether this Court has not been properly constituted and the appointment of the present Presiding Officer has not been properly notified?

Issue No. 1.—It is obvious that a Court of special jurisdiction cannot interpret the Constitution and decide about the vires of an Act of a Legislature. In case, therefore, the management feel that section 2-A of the Industrial Disputes Act is *ultra vires* of the powers of the Parliament then the only course open to them is to raise this point in the High Court. I find this issue against the management.

Issue No. 2.—The Labour Court at Rohtak was constituted,—*v/d* Punjab Government Notification No. 11495/12474-C.Lab-57/11345, dated 7th February, 1958. By reason of section 88 read with section 2 (g) of the Punjab Reorganisation Act, it was not necessary for the Government of Haryana to issue any fresh notification under sub-section (i) of Section 7 of the Industrial Disputes Act reconstituting the Court which already existed and the amendment made in the above notification by notification No. 5414-Lab-68/15254, dated 20th June, 1968 by which the headquarter of this Court were shifted from Rohtak to Faridabad also did not mean abolition of the Court at Faridabad.

The appointment of the present Presiding Officer was also duly notified,—*v/d* Notification No. 7103-3Lab-67/25650, dated 24th August, 1967 after he had assumed charge of the office of the Presiding Officer of the Labour Court at Rohtak. It is not disputed that the Presiding Officer of the Labour Court at Rohtak had jurisdiction throughout the State of Haryana. Simply the headquarters of the Labour Court were shifted from Rohtak to Faridabad,—*v/d* Notification No. 5414-3Lab-68/15754, dated 20th June, 1968. By this Notification the word "Faridabad" was substituted for the word "Rohtak" in the Notification No. 11495/12474-C.Lab-57/11345, dated 7th February, 1958 by which the Court was originally constituted. The jurisdiction of the Presiding Officer of the Labour Court continued to be throughout the State of Haryana as before, and therefore, no fresh notification regarding his appointment or the change of station was necessary. I, therefore, find this issue also in favour of the workman.

The parties be informed of this order. The management will pay Rs. 100 as cost for these adjournments. The case to come up for further proceedings on 7th February, 1969 at Gurgaon.

Dated 31st January, 1969

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

The 2nd September, 1969

No. 5394-A S.O (E)-Lab-69/21453.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Hemla Embroidery Mills (P) Ltd., Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 98 of 1968

between

SHRI BINDRA PARSHAD WORKMAN AND THE MANAGEMENT OF M/S HEMLA
EMBROIDERY MILLS (P) LTD., FARIDABAD

Present.—

Shri Darshan Singh, for the workmen.

Shri K. L. Chopra, for the management.

AWARD

Shri Bindra Parshad was in the service of M/s Hemla Embroidery Mills (P) Ltd., Faridabad. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of subsection (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court, for adjudication,—*vide* Government Gazette Notification No. ID/FD/22-F-68/2861, dated 12th November, 1968 :—

Whether the termination of services of Shri Bindra Parshad was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. A preliminary

objection was raised on behalf of the management that this Court is not properly constituted and the appointment of the Presiding Officer was also not valid. After hearing the representatives of the parties, this issue was found in favour of the workmen—*v.d.* order of this Court, dated 4th February, 1969. Issues on merits were then framed and some evidence of the management was recorded. Thereafter the parties reported that a compromise had been effected between them. The statement of the representative of the parties have been recorded. According to the terms of compromise the management would pay to the workmen his earned wages and also wages for earned leave not availed of in addition to bonus etc. which may be due to him up to the date he remained in service. In addition the management would pay him one month's pay in lieu of notice and 15 days' wages for each year he remained in service. It is also agreed that the claimant would be entitled to Provident Fund as is admissible to the workmen who are retrenched from service. The workman has given up his right for reinstatement or fresh appointment. I give my award accordingly. No order as to cost.

Dated 11th August, 1969.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

No. 3201, dated the 15th August, 1969.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 11th August, 1969.

Presiding Officer,
Labour Court, Faridabad.

No. 5335-A.S.O./E-Lab-69/21462.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and management of M/s Gupta Sales Corporation, Bahadurgarh :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 12 of 1969

between

**THE WORKMEN AND THE MANAGEMENT OF M/S GUPTA SALES CORPORATION,
BAHADURGARH**

Present.—

Nemo for the workmen.

Nemo for the management.

AWARD

An industrial dispute having arisen between the workmen and the management of M/s Gupta Sales Corporation, Bahadurgarh and the same was referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947,—*v.d.* Government Gazette Notification No. ID/RK/76 B-63, dated 13th February, 1969. The subject matter of dispute referred to this Tribunal is as under :—

Whether the following workers should be allowed increase in wages? If so, with what details?

1. Shri Mukandi Lal,
2. Shri Bullan Ram,
3. Shri Jokhan Ram.

On receipt of the reference, usual notices were issued to the parties for 18th March, 1969. On the date fixed Shri Onkar Parashar appeared on behalf of the workmen and Shri Suresh Kumar appeared on behalf of the management. The workmen had not filed their claim statement and adjournment was granted and thereafter the parties filed their statement of claim and the written statement. Cross examinations were held and the workmen were directed to give the necessary clarification by 2nd April, 1969. On the date fixed, only representative of the workmen appeared but on behalf of the management and the workmen were, therefore, directed to produce their evidence in support of their claim on 1st June, 1969 which date was changed to 10th July, 1969 because 1st June, 1969 was a close day as it was a second Saturday. Intimation of the changed date was given to both the parties but no body appeared on the date fixed. Since the workmen have led no evidence to substantiate their claim, it must be held that no ground

has been made out by the workmen for the increase of wages of three workmen namely Sarvshri Mukandi Lal, Bullan Ram and Jokhan Ram named in the order of reference.

Dated 6th August, 1969.

P. N. THUKRAL,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 3163, dated the 8th August, 1969.

Forwarded (for copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 5737-A.S.O (E)-Lab-69/21464.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Electrostrip Industries, Faridabad :—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 47 of 1969

between

Shri Jeet Bahadur workman and the management of M/s Electrostrip Industries, Faridabad.

Present.—

Shri Krishan Lal, for the workman.

Nemo for the management.

AWARD

Shri Jeet Bahadur was in the service of M/s Electrostrip Industries, Faridabad and his services were terminated and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of subsection (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazette notification No. ID/FD/3528/1555, dated 14th May, 1969.

Whether the termination of services of Shri Jeet Bahadur was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman. Shri S.K. Sharma appeared on behalf of the management. He did not file a formal written statement. So his statement was recorded. His version is that a fight took place in the respondent factory on the night of 27th November, 1968 when the claimant was on duty. A report of fight was made to the police and the claimant was then called by the police to assist in the investigation and thereafter the claimant did not report for duty. Shri Sharma says that the claimant simply came on 11th December 1968 to collect the things when he was given a charge-sheet to show cause against his unauthorised absence but the applicant refused to accept the charge-sheet and thereafter he never reported for duty. The following issues were accordingly framed.

- (1) Whether the claimant Shri Jeet Bahadur is absent from duty from 27th November, 1968 onwards?
- (2) If the above issue is not proved, whether the termination of services of Shri Jeet Bahadur was justified and in order? If not, to what relief is he entitled?

The case was fixed for evidence for 4th August, 1969. On that date I awaited for the management till 1.25 P.M. but no body appeared on behalf of the management. *Ex parte* evidence of the workman was, therefore recorded. The workman does not admit the version of the respondent. He states that in fact his employer wanted him to work in his house and clean the utensils and his refusal to do so, his services were terminated. There is no evidence in rebuttal. It is, therefore, *prima facie* proved that the termination of the services of the claimant was not justified and in order. He is therefore entitled to be reinstated with continuity of services and full back wages.

Dated 21st August, 1969.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

No. TP/69/7, dated the 21st August, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 21st August, 1969.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 5391-A.S.O.(E)-Lab-69/21466.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Hemla Embroidery Mills (P) Ltd., Faridabad:—

**BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD**

Reference No. 55 of 1968

between

**SHRI RAM PIARA WORKMAN AND THE MANAGEMENT OF M/S HEMLA EMBROIDERY MILLS,
(P) LTD., FARIDABAD**

Present.—Shri Darshan Singh, for the workmen.

Shri K. L. Chopra, for the management.

AWARD

Shri Ram Piara was in the service of M/s Hemla Embroidery Mills (P) Ltd., Faridabad. His services were terminated and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/FD/1521, dated 26th June, 1968.

Whether the termination of services of Shri Ram Piara was justified and in order. If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The issues which arose from the pleadings of the parties were framed and their evidence was also recorded. However it is not necessary to decide the case on merits because a compromise has been effected between the parties. The management would pay to the workman his earned wages and wages in lieu of earned leave and also the bonus due to him upto the date he remained in service. In addition the management would pay him one month's wages in lieu of notice and 15 days wages as compensation for each year of service put in by him. It has also been agreed that he would be paid his Provident Fund which is admissible to workmen who have been released from service. The workman has given up his right of reinstatement and fresh appointment. I give my award accordingly. No order as to cost.

P.N. THUKRAL,

Dated 11th August, 1969.

Presiding Officer,
Labour Court, Faridabad.

No. 3199, dated the 13th August, 1969

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,

Dated 11th August, 1969.

Presiding Officer,
Labour Court, Faridabad.

No. 5393-A.S.O.(E)-Lab-69/21468.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Hemla Embroidery Mills (P) Ltd., Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 58 of 1968

*between*SARVSHRI KHAN CHAND AND SANT RAM WORKMEN AND THE MANAGEMENT OF M/S
HEMLA EMBROIDERY MILLS (P) LTD, FARIDABAD.

Present:-

Shri Darshan Singh for the workmen.

Shri K.L. Chopra, for the management

AWARD

Sarvshri Khan Chand and Sant Ram were in the service of M/s Hemla Embroidery Mills (P) Ltd., Faridabad. Their services were terminated and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute to this Court for adjudication via Government Gazette Notification No. ID/FD/15967, dated 27th June, 1968:-

Whether the termination of services of Sarvshri Khan Chand and Sant Ram was justified and in Order. If not, to what relief are they entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. The issues which arose from the pleadings of the parties were framed. Shri Sant Ram claimant was, however, taken back into service by the management as a fresh employee and he did not therefore press his claim as given in the notice of demand. So far as Khan Chand workman in concerned the evidence of the parties were recorded but it is not necessary to decide his case also on merits because a compromise had also been effected between the parties regarding him also. The management have agreed to pay him his earned wages if any due to him as also his wages due on account of earned leave up to the date he remains in service. In addition the management would pay him one month salary in lieu of notice in full and final settlement of his claim and the workmen has given up his claim for reinstatement or fresh appointment. I give my award accordingly. No order as to cost.

Dated the 11th August, 1969.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 3200, dated the 13th August, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 11th August, 1969.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

H. S. ACHREJA, Secy.

COLONIZATION DEPARTMENT
The 29th August, 1969

No. D-II-122/2808/09/P.K.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at public expense, for a public purpose, namely for the development of Mandi including Townships and Factories at Hathin, tehsil Nuh, district Gurgaon, it is hereby notified that land in the locality described below is likely to be required for the above purpose.

This notification is made under section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Extra Assistant Colonization Officer, Chandigarh, exercising the powers of Collector under the said Act.

SPECIFICATION

District	Tehsil	Village	Area	Field Nos.
Gurgaon	Nuh	Hathin, H. B. No. 253	A. K. M. 28—6—1 29/6/2, 7/2, 13/2, 14/2, 15/1, 16/2, 17, 18/2, 19/2, 22/2, 23/1, 23/2 23/3, 23/4, 24, 25 30/2/2, 21/1, 21/2, 1 38/1/1, 1/2/1, 2/2/1, 9/1/2, 9/2, 10/2, 10/1 11/1, 11/2, 12/1, 12/2/1, 19/1, 20/1/1, 20/2, 21/1/1, 21/2/1 39/2, 3, 4/1, 4/2, 5, 6/1, 6/2, 6/3, 7, 8/1, 8/2 13, 14, 15/1, 15/2, 16, 17, 24/2, 25 min, 26 52/5/1 1283/2	A. K. M. Area .. 28—6—1

M. L. BATRA,
Secretary to Government, Haryana,
Colonization Department.